

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM LLC

v.

AMAZON.COM, INC.; ET AL.

NO. 6:10-cv-329-LED

JURY

PLAINTIFF'S ANSWER TO MACALLY AND MACE GROUP'S COUNTERCLAIMS

Plaintiff AdjustaCam LLC ("AdjustaCam") answers the counterclaims (Dkt No. 330) of Defendants Macally Peripherals, Inc. d/b/a Macally U.S.A. and Mace Group, Inc. (collectively "Macally"), by corresponding paragraph number, as follows:

1-2. Admitted.

3. Admitted as to subject matter jurisdiction and venue over counterclaims. Denied as to merits of counterclaims.

4-5. Admitted.

6. Denied.

7. Admitted there is a legal case or controversy for purposes of subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

8. AdjustaCam's answers to paragraphs 1-7 are incorporated herein.

9. Admitted there is a legal case or controversy for purposes of subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

10-11. Denied.

12. Denied this is an exceptional case from the perspective of Macally being entitled to any such finding. Admitted that this is an exceptional case from the perspective of AdjustaCam obtaining such a finding against Macally.

13. AdjustaCam's answers to paragraphs 1-12 are incorporated herein.

14. Admitted there is a legal case or controversy for purposes of subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

15-16. Denied.

17. Denied this is an exceptional case from the perspective of Macally being entitled to any such finding. Admitted that this is an exceptional case from the perspective of AdjustaCam obtaining such a finding against Macally.

18. To the extent necessary, AdjustaCam denies that Macally is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, AdjustaCam generally denies any allegation in the counterclaims not specifically admitted above, and AdjustaCam re-alleges infringement, enforceability, validity and damages, and denies any allegations in the counterclaim adverse to same.

PRAYER FOR RELIEF

WHEREFORE, AdjustaCam respectfully requests that this Court enter judgment denying and dismissing Macally's counterclaims, and that the Court enter judgment in favor of AdjustaCam as requested in AdjustaCam's complaint, as amended or supplemented.

December 8, 2010

Respectfully submitted,

ADJUSTACAM LLC

By: /s/ John J. Edmonds
John J. Edmonds – LEAD COUNSEL
Texas Bar No. 789758
Andrew P. Tower
Texas Bar No. 786291
Michael J. Collins
Texas Bar No. 4614510
Henry M. Pogorzelski
Texas Bar No. 24007852
COLLINS, EDMONDS & POGORZELSKI,
PLLC

1616 S. Voss Road, Suite 125
Houston, Texas 77057
Telephone: (281) 501-3425
Facsimile: (832) 415-2535
jedmonds@cepiplaw.com
atower@cepiplaw.com
mcollins@cepiplaw.com
hpogorzelski@cepiplaw.com

ATTORNEYS FOR PLAINTIFF
ADJUSTACAM LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

December 8, 2010

/s/ John J. Edmonds
John J. Edmonds